

REMARKS

There are eight claims pending in the present application. Claim 1 is amended herewith. Support for the amendment to claim 1 can be found in the examples. In particular, reference examples 1, 2, 3, and 4 at paragraphs [0047], [0056], [0058], and [0060] each disclose the extraction of camu camu seeds without camu camu pulp. None of the examples in the present application provide for the extraction of camu camu pulp.

Claims 5 – 8 are added herewith. Support for claims 5 – 8 can be found in claims 1 – 4 as filed. Additionally, support for claim 5 can be found at paragraph [0028] which states that camu camu seed extract usually have a vitamin C content of only 1 mg/100 g.

Claims 1-4 stand rejected over Hata et al. under 35 U.S.C. §102(b)

The Examiner has rejected claims 1 – 4 as anticipated by Hata et al., JP 02000327550. Hata et al. appears to teach a skin preparation for external use containing an extract of camu camu fruit. The Examiner points out that the camu camu fruit inherently contains seeds therein, and therefore, the fruit extract taught by Hata et al. would inherently contain camu camu seed extract therein as instantly claimed.

Claim 1 is amended herewith and excludes camu camu pulp extract from the present whitening agent. Therefore, claim 1 as currently pending is clearly distinguished from the apparent teaching of Hata et al. The whitening agent of claims 1 does not contain camu camu pulp extract. Comparatively, the extract of Hata et al. contains the pulp extract and, if the seeds are not removed before the extraction process, the extraction described by Hata contains some seed extract.

There is a considerable difference between a fruit pulp or whole fruit extract and a seed extract since the constituents of the pulp and seed of camu camu are very different. For example, the pulp extract has a remarkably high vitamin C content, whereas the seed extract contains only a trace amount of vitamin C, as described on page 5, lines 2 to 5 and from page 7, line 23 to page 8, line 1 of the present specification.

Since the whitening agent of claim 1 contains camu camu seed extract but not camu camu pulp extract, the present claim 1 is clearly distinguished from the preparation of Hata et al. Moreover, Hata et al. does not teach or suggest the presently claimed invention, since this reference does not even suggest using the seed extract.

Further, claims 2 – 4 are not anticipated by Hata et al. since each of claims 2 – 4 are limited to a whitening agent containing camu camu seed extract and not camu camu pulp extract. This is outside the scope of Hata's teaching.

New claims 5 – 8 are not anticipated by Hata et al. As stated at page 7, line 23 to page 8, line 1 (paragraph [0028]) of the present specification, extracts from camu camu fruit, such as those disclosed by Hata et al., have a high vitamin C content. The vitamin C content is from the fruit pulp, and will be present regardless of whether seeds were included in the extraction or not. Claims 5 – 8 are limited to camu camu extracts having 1 mg/100g or less vitamin C, and thus are not anticipated by Hata et al. In addition, Hata does not teach or suggest the formation of a camu camu extract useful for whitening having 1 mg/100 g or less vitamin C which can be formed by extracting camu camu seeds.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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